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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHN MICHAEL FARNUM,)	
)	
Petitioner,)	2:13-cv-01304-APG-PAL
)	
vs.)	ORDER
)	
ROBERT LeGRAND , <i>et al.</i> ,)	
)	
Respondents.)	
_____	/	

In this habeas corpus action, the petitioner, John Michael Farnum, filed a motion (ECF No. 34) seeking a stay so that he may exhaust certain claims in state court. The court granted that motion on June 19, 2015 (ECF No. 37), ordering that a stay would be imposed, following the so-called *Kelly* procedure, which has been approved by the Ninth Circuit Court of Appeals. The court ordered that, before the stay would be imposed, Farnum would be required to file an amended habeas petition setting forth only exhausted claims. See Order entered June 19, 2015 (ECF No. 37, pp. 3). On July 8, 2015, Farnum filed an amended petition (ECF No. 38), now apparently setting forth only exhausted claims. Therefore, the court will now stay this case pending Farnum's exhaustion of claims in state court.

1 The court's intention is that this will be the last time that the court imposes a stay to facilitate
2 Farnum's exhaustion of claims in state court. Farnum must exhaust all of his unexhausted claims in
3 state court during the stay of this action imposed pursuant to this order.

4 **IT IS THEREFORE ORDERED** that this action is STAYED to allow petitioner to exhaust,
5 in state court, all his unexhausted claims for habeas corpus relief.

6 **IT IS FURTHER ORDERED** that, on or before December 15, 2015, petitioner shall file
7 and serve a status report describing the status of his state-court proceedings. Thereafter, during the
8 stay of this action, petitioner shall file such a status report every 6 months (on or before June 15,
9 2016; December 15, 2016; etc.). Respondents may, if necessary, file and serve a response to any
10 such status report within 15 days after its service. If necessary, petitioner may reply within 15 days
11 of service of the response.

12 **IT IS FURTHER ORDERED** that following the conclusion of petitioner's state court
13 proceedings, petitioner shall, within 30 days, make a motion to lift the stay.

14 **IT IS FURTHER ORDERED** that this action shall be subject to dismissal upon a motion by
15 respondents if petitioner does not comply with the time limits in this order, or if he otherwise fails to
16 proceed with diligence during the stay imposed pursuant to this order.

17 **IT IS FURTHER ORDERED** that, absent extraordinary circumstances, this will be the
18 final opportunity that this court provides to petitioner to return to state court to exhaust claims for
19 habeas corpus relief

20 Dated this 10th day of July, 2015.

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23 _____
UNITED STATES DISTRICT JUDGE